

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JON FREEMAN WINANT,

Plaintiff,

v.

Case No. 09-CV-583

JOHN BRETT, and
CHRISTOPHER T. TYRE,

Defendants.

ORDER

On June 11, 2009, plaintiff Jon Freeman Winant (“Winant”) filed a complaint against defendants alleging that defendants, in their official administrative/supervisory roles in the Department of Corrections, intentionally failed to classify certain illegal immigrant inmates as sexually violent persons, despite the fact that such illegal immigrant inmates met the classification of sexually violent persons, as articulated in Wis. Stat. § 980. In examining Winant’s *in forma pauperis* motion, the court held that Winant had not stated a claim on which relief could be granted, and that even if Winant’s allegations did state a claim, it was not a claim he had standing to bring, as he has not suffered any injury from the alleged actions of the defendants.

Winant now asks the court to reconsider its previous ruling. Winant points out certain flaws in the court’s order – such as the court’s comment that Winant had not pointed to any authority justifying his claim, when in fact the civil rights complaint form on which he filed his complaint directs plaintiffs not to cite to legal authority, as

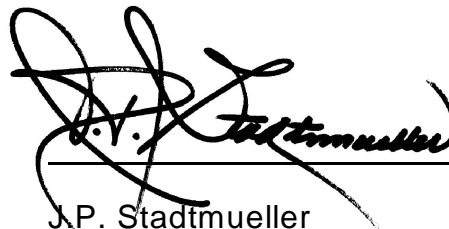
well as the fact that apparently the court cited the wrong provision of § 980 in reference to Winant's commitment as a sexually violent person. However, what Winant does not do – as best the court can decipher from his mildly incoherent filings – is give any explanation as to how defendants' alleged violations have any impact on him. So long as Winant's confinement is legal within the strictures of Wisconsin law, his condition is unaffected by the purported violations underlying his claim. Furthermore, the relief Winant seeks, a ruling by the court that Wis. Stat. § 980 is unconstitutional, is not in any way related to the claim on which Winant seeks to proceed.

Accordingly,

IT IS ORDERED that plaintiff's Motion for Reconsideration (Docket #5) be and the same is hereby **DENIED**.

Dated at Milwaukee, Wisconsin, this 10th day of July, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.

J.P. Stadtmueller
U.S. District Judge